



SAN BRUNO CITY COUNCIL SPECIAL & REGULAR MEETING

MINUTES

August 12, 2003

THIS IS TO CERTIFY THAT:

Mayor Franzella called a Special meeting on August 12, 2003 at 6:45 p.m. to enter into a closed session. Mayor Franzella and Councilmember O'Connell had requested a closed session to recommend completing the recruitment process and selection of services of City Manager. (Gov't Code Section 54957) At 7:00 p.m. the meeting adjourned to the regular scheduled Council Meeting and Mayor Franzella announced that a new manager had been selected and details would be giving during the regular meeting.

SAN BRUNO CITY COUNCIL REGULAR MEETING AGENDA

August 12, 2003 at 7:00 p.m. Meeting was held at the San Bruno Senior Center 1555 Crystal Springs Road. Mayor Franzella thanked the San Bruno Garden Club for providing the beautiful floral arrangement.

ROLL CALL: With Mayor Franzella presiding, meeting was called to order at 7:05 p.m. Also present were Councilmembers Pallas, Ruane, Ibarra, and O'Connell. Recorded by City Clerk Simon.

PLEDGE OF ALLEGIANCE: Led by Police Chief Lee Violet.

Mayor Franzella announced the **public hearing** for the proposed **Jefferson Martin 230kV PG&E Electric Transmission Line** at Glenview Drive and San Bruno Avenue, will be held Thursday August 14, 2003 at 2:00 p.m. and again at 7:00 p.m. Meeting location is the San Bruno Recreation Center in the Main City Park. (Crystal Springs Road & Oak Avenue) An Administrative Law Judge will be present to take comments. Mayor Franzella indicated that he would attend the 7:00 p.m. hearing and formally present the City's position to the administrative law judge.

PRESENTATIONS: **San Bruno Girls Softball** and their coaches just returned from National Championships in Springfield Missouri, and wish to thank the Mayor and Council for their support. Head coach Bill Bishop of Claremont Drive, gave an overview of the very successful trip to Missouri and introduced the players.

South San Francisco Mayor Pedro Gonzalez and the SF Bay Area Water Transit Authority Manager Veronica Sanchez presented information about the proposed **water-transit expansion**. They are seeking a resolution of support from the San Bruno City Council to establish a new **Ferry Service** from San Mateo County Bay shorelines to Downtown San Francisco. **Vice Mayor Pallas** expressed concern that ferry service has not been successful and that raising bridge tolls to pay for more is not a good idea. **Councilmember Ibarra** also expressed concern how ferry service would be affected by rough weather on the Bay. **Councilmember O'Connell** questioned the cost per rider for this new service and the fact that only 1800 cars would be taken off our highways. **Mrs. Sanchez** said the cost per rider is approximately \$5.00 and it is cost effective compared to cost for other public transit programs. **Mayor Franzella** thanked Mayor Gonzalez and Mrs. Sanchez for the presentation and requested Clerk Simon put the resolution on the September 9th, 2003 Council agenda so that the Council may consider taking action. REVIEW OF AGENDA: City Clerk Simon requested item 9.c. be amended in order for Council to take action which is time sensitive and cannot wait until the next scheduled Council meeting. M/S Ibarra/O'Connell to amend item 9.c as requested by Clerk Simon, passed unanimously. Mayor Franzella moved item 12. a. & b. to after item 5. No other changes.

APPROVAL OF MINUTES: For the regular Council meeting of July 22, 2003, approved as submitted.

CONSENT CALENDAR: All items listed are considered routine or implement an earlier Council action and may be enacted by one motion; there will be no separate discussion unless requested by Councilmember, citizen or staff. Mayor Franzella pulled items g. & h., Vice Mayor Pallas pulled item f., and member of public Scott Buschman pulled item i. M/S **O'Connell/Ruane** to approve the remainder of items and passed unanimously.

- a. **Approve: Payroll** of August 1, 2003.
- b. **Approve: Accounts Payable** of July 14th, 21st, & 28th, 2003. (Council Packets only, copy is available for review at the City Clerk's office)
- c. **Accept:** Presented by City Treasurer, Karen Hornung, reconciliation of General Ledger to **Bank Reports**, and the **Investment Reports** dated June 30, 2003. The Complete Investment Report figures were not available for the statement given at the July 22, 2003 City Council meeting.
- d. **Approve:** Recommended by Dave Thomas, Cable TV Director, a **donation** of \$700 to **San Bruno Joe DiMaggio Baseball Team**. Funds will be used to support the All-Star Tournament.
- e. **Accept: Donation** of a Canon MP-50 Microfiche Reader/Printer from **Gilda Cano** of Millbrae, California to be used in the Community Development Department.
- f. **Approve: Council Ad Hoc Committee for an Arts Commission** (O'Connell/Ruane) recommends that the City Council waive second reading/introduce **Ordinance No. 1684** establishing program for **Art in Public Places**.
- g. **Approve:** Authorize Mayor to finalize and execute Employment Agreement for services of new **City Manager** and introduce and adopt resolution approving Employment Agreement
- h. **File:** Letter to the **San Francisco Public Utilities Commission** concerning razor wire that was installed on fencing along the **Harry Tracy Treatment Plant**.
- i. **Approve:** Authorize Mayor to send letter of response to the California Public Utilities Commission regarding draft EIR on the **Jefferson Martin 230kV PG&E Electric Transmission Line project**.

Item number f. pulled by Vice Mayor Pallas, as he is opposed to this ordinance and will be voting No. M/S **Ruane/O'Connell** to approve, Yes Franzella, Ibarra, Ruane, and O'Connell with Pallas, No.

Item number h. pulled by Mayor Franzella to inform the public that he had received a phone call from Patricia Martel, GM of the PUC, stating she was unaware of the barbwire placed around the Harry Tracy Treatment Plant and will attempt to resolve the problem. M/S **Franzella/Ruane** to approve and passed unanimously.

Item number i. pulled by Scott Buschman of Claremont Dr. to urge San Bruno citizens to attend the public hearings on the PG&E power lines and give their impute. M/S **Ruane/Ibarra** to approve passed unanimously.

Item number g. pulled by Mayor Franzella, he was pleased to announce the appointment of Connie Jackson from Fort Bragg. M/S **Franzella/Ruane** to approve the employment contract and passed unanimously. Mrs. Jackson addressed the Council and introduced her husband and father.

PUBLIC HEARINGS (NOTICES were published, posted and mailed):

Classification Plan Amendment: Human Resources Manager Ann Ritzma recommended resolutions (1) ordering amendment to Classification Plan of Personnel Rules & Regulations as adopted by resolution 1958-148, as amended, **Water Quality Technician I/II**, updates job description/titles; and (2) establishing salary range for position. Resolution of intent was introduced at the July 22, 2003 Council meeting. Mayor Franzella opened the public hearing but no one wished to speak on this item. M/S Ibarra/Pallas to close hearing passed unanimously. Introduction of both resolutions by **Councilmember Ruane**, Ayes, Franzella, Ruane, Pallas, Ibarra, and O'Connell, with No's none.

Item no. 12. a. which was moved up on the agenda, **Traffic Safety & Parking** Committee member Peter Jalilie gave the annual report. Praise was given to staff member Merrill Buck for his extra effort. Currently the committee is studying “permit parking” and the impacts of BART and Caltrain on neighborhood streets. Members recommended the City Council consider televising the Traffic Safety & Parking committee meetings and hold a joint study session on the permit parking issue.

Item no. 12. b. which was moved up on the agenda, **Community Preparedness** Committee chair Paula Johnsen, gave the annual report.

Caltrain Grade Separation & New Station Ad Hoc Committee (Ibarra/Ruane) recommended that the City Council receive comments from the Public and consider formal action in the form of recommendations to the Peninsula Corridor Joint Powers Board on the **Caltrain Grade Separation & New Station** draft final Project Study Report. Caltrain representatives Chief Engineer Darrell Maxey, Sr. Engineer Bernard Susanto, Real Estate Manager Brian Fitzpatrick, Project Engineers Farid Javandel, Dave Evans and Michael Liu were in attendance to answer questions.

Darrell Maxey introduced Howard Goode, Transportation Manager. Many comments were received and the drainage problem in the downtown area will be addressed. Mr. Maxey clarified the following issues raised at the last meeting:

The JPB had no role in the purchasing of the **San Bruno Lumber property**. The County Transportation Authority purchased the site in 2002 anticipating some type of grade separation project but no specific station location. It provides a number of other essential components to any grade separation project such as a wider San Bruno Avenue and San Mateo Avenue, reduction of track curvature south of I-380, a detour track during construction, a staging field, and removal of the buildings and vegetation which have been impeding sight lines on the existing tracks. The Brotherhood of Locomotive Engineers sent a letter to Mr. Maxey dated August 12, 2003 stating they have no objections to the proposed project. Eight fatalities have occurred since 1992. No savings would result from maintaining the Sylvan site since the present facility would have to be demolished in conjunction with the project, whatever station location is selected.

Mayor Franzella asked if members of the public wished to address the City Council with comments:

Scott Buschman, Claremont Drive, believes there is a need for grade separation but should not rush into a decision. Closing Angus Avenue would reduce the size of the wall and improve the traffic in the Belle Air neighborhood.

Robert Riechel, 7th Avenue, read comments from Monique Duval of Chestnut Avenue. She is concern about storm water drainage that could be affected by the grade separation. Copy of letter given to Councilmembers.

Lynn Ward, from 2nd Avenue said that the Train station used to be at San Bruno Avenue. Concerned that the elevated tracks will separate her neighborhood. Who will pay for damage to houses during construction and will the emergency vehicles have access.

Larry (no last name given) from No. San Anselmo Avenue, concerned that if pilings are used there will be damage to homes.

Anthony Washington, Terrace Avenue, does not want the station moved from Sylvan Avenue. Should raise San Bruno Avenue over the tracks like Millbrae did.

Janet (no last name given) from Poplar Avenue is a Caltrain rider for 9 years and likes the idea of doing a grade separation. She does not want the station moved from Sylvan Avenue.

Jim Kelly, Oak Avenue, this is a two-tiered proposal and grade separation is not in dispute. The station we have now is a safe way to use trains. There are reasons to doubt the new one would be.

Joan Skinner, Huntington Avenue, rides the train. She feels the San Bruno Lumber site would ease curve and site problems but is concerned that too much parking is being considered with this proposal. Make sure there is adequate shelter to protect the riders from the cold and wind. Landscaping will help reduce noise.

Teresa McIntosh, Atlantic Avenue, while a member of the CAC she is speaking as an individual. The San Bruno Avenue station site is historical. The present project takes no homes and other proposals would take many homes and impact several businesses. Improved safety and efficiency of services will be achieved.

Robert Riechel, 7th Avenue, wants Council to keep open mind on drainage issues during final design and if Angus Avenue is lowered, how will this impact both sides of the tracks?

Mark Harnett, Cherry Avenue, is a Caltrain rider. What is maximum price on this project? The 92 million dollars could be used in other ways to reduce the fatalities and at a reduced cost.

Barbara LaRaia, Clark Avenue, said the new Caltrain station is in the wrong place. Nothing is in the final draft report to fix the curve south of I- 380. Now we will have a station on a dangerous curve with site problems. The democratic process is being damaged. The wording of alternative five was changed after the CAC voted. To save taxpayer money, the station should remain at Sylvan Avenue.

Marina Kaiser, 5th Avenue, the previous Caltrain station was at San Bruno Avenue and worked just fine. It is closer to Tanforan, BART, and more commuters who will ride the train. Does not want Angus Avenue closed but may want to stop left turns on Huntington Avenue to reduce traffic in the neighborhood.

Bob George, Chabot Drive, he is a CAC member and feels people do not realize that there are thousands of engineering and design reviews still to be done. This plan has significant benefits for the City and its citizens.

Councilmember O'Connell wants consultants to revisit wide sidewalk at North end of 1st Avenue underpass since there is no access for that location. Wants plan to protect homes from dust and construction damage.

Darrell Maxey stated these mitigations would be addressed during the final design process.

Vice Mayor Pallas concerned that seismic safety standards be included in the draft final report.

Mayor Franzella requested that emergency vehicle access, amount of parking, and noise concerns be addressed during the final design process.

Councilmember Ruane stated that all of the meetings were noticed and opened to the Public during the last 10 months. The end result will be good for the City and he would like to congratulate the committee members for their great results. The CAC will be involved in the next design phase also.

Councilmember Ibarra said the Council takes the responsibility for choosing alternative five and the committee members helped make the final recommendations put into the draft report.

Eileen Reimonenq, of San Bruno Avenue attended many of the CAC meetings and felt the committee members were very thorough in coming up with their recommendations. We need a train station at the main entrance to town such as San Bruno Avenue.

Mark Hollingsworth, Green Avenue, does not feel we need this grade separation but if we do, put it underground. Does not feel will have enough ridership to justify cost?

Rose Urbach, Euclid Avenue, does not want the grade crossing. More people require more parking and permit parking is next and won't be able to park in front of her house. This is reversed condemnation.

Mayor Franzella thanked the committee for such a great job. He is in support of the grade separation and made a motion to move forward with the project and approve the recommendations before the Council. Second by Councilmember Ruane, Yes, Franzella, Ruane, Ibarra, and O'Connell; No, Pallas.

Howard Goode said we could now work on the funding plan and go into final design to obtain cost proposals. Project will be submitted to the San Mateo County Transportation Authority for Measure A funding.

The **Revenue Review Ad Hoc Committee** (Franzella/Ruane) presented their response to the letter from Kim Kassner, **President of SkyPark Inc.**, dated May 2, 2003 requesting the City Council consider a parking tax rate reduction for his business. Ad Hoc committee could not recommend a reduction in the tax rate at this time.

Joe Galligan, ask all the employees from SkyPark Inc. in attendance to stand and be acknowledged.

He stated that the 8% tax would bankrupt his company since the trend for airport customers continues to be down. He proposed a graduated rate tax starting at 2% for the 1st \$400,000 in revenues and an increase in percent as revenues rise. Mayor Franzella stated he is willing to review the proposal presented at tonight's meeting and have this item back on the next meeting agenda. Mr. Galligan asked about the current tax installment now due and was assured he could wait until after the Council makes a final decision in September before paying.

City Clerk Ed Simon recommended the City Council consider appointments to fill vacancies on committees, boards, and commissions. There is 1 vacancy on both the Community Preparedness Committee and Personnel Board.

Motion by **Councilmember O'Connell** to appoint **George Peponis** to the Community Preparedness Committee was passed unanimously. Vice Mayor Pallas nominated William Michelini to the Personnel Board and **Councilmember O'Connell** nominated **Deorsie Kenyatta**. Michelini received one vote from Pallas and Kenyatta received votes from Franzella, Ruane, and O'Connell with Ibarra abstaining due to being absent during the interviews.

Revenue Review Ad Hoc Committee (Franzella/Ruane) recommended adoption of resolution authorizing the City to defer the payments conditioned in PDP (Planned Development Permit) 020-02 Re: **Tanforan Park Shopping Center, LLC** subject to the terms and conditions of a deferred payment plan. **Greg Watson** of Tanforan Shopping Center addressed the Council stating that in order to qualify for Bank financing, they must reduce their budget and if the Council agrees, they will have a ground breaking at the end of September. Mayor Franzella stated that the interest rate charged during deferral of fees will be charged the higher interest rate of the City investment funds or the rate of interest charged to the City if the cost of the El Camino Real project interest is higher.

Councilmember O'Connell introduced the resolution, All Ayes.

CALL FOR, PRESENTATION OF BIDS, and AWARD OF CONTRACTS:

Public Works Director Scott Munns recommends:

Award the **Lower Sneath Lane Trunk Sewer Replacement Project** to the lowest responsible bidder, **Pacific Underground Construction**, in an amount not to exceed \$965,175; and authorize the City Manager to execute a construction contract with the lowest responsible bidder upon approval as to form by the City Attorney. Mayor Franzella noted that this project is subject to the approval of the Capital Improvement budget, which is also on the agenda. M/S to approve **O'Connell/Ruane** passed unanimously.

Award the **2003 Storm Drainage Improvements Project** to the lowest responsible bidder, **Trinet Construction, Inc.**, in the amount of \$151,180; and authorize the City Manager to execute a construction contract with the lowest responsible bidder upon approval as to form by the City Attorney. M/S **Ruane/Ibarra** to approve and passed unanimously. Public Works Director Munns clarified that this bid is for six (6) projects to help solve storm water problems in the City.

Award the **Sneath Lane/National Avenue** traffic signal improvements project to the lowest responsible bidder, **Brown and Fesler**, in the amount of \$121,500; and authorize the City Manager to execute a construction contract with the lowest responsible bidder upon approval as to form by the City Attorney. **Mayor Franzella** pointed out that National Avenue is in the Navy site and currently Commodore Drive and will be changed at the Sneath Lane location. Developer fees will pay for this improvement. M/S **Ruane/O'Connell** passed unanimously.

Cable TV Director Dave Thomas recommended Council approval to purchase a new replacement **aerial lift truck with a telescopic boom**. The existing boom truck would be transferred to the Public Works Department and continue to be used by the on a limited duration use basis. The new 2003 Ford F-450 cab and chassis with 36 SNT articulated telescopic boom will cost \$55,064, and will be funded from the Cable Television operating budget, Equipment Reserve account, and a charge, requiring City Council approval, to the Public Works Equipment Reserve account. M/S **Ruane/Ibarra** to approve and passed unanimously.

Director of Recreation Services Larry Mazzuca requested Council authorize City Manager to enter into contract agreement with San Mateo Area on Aging to provide support services for senior citizens.

Wendy Mines, Services Manager at the Senior Center stated this is a two year contract in the amount of \$84,000 to provide services for seniors such as information, nutrition, and transportation.

M/S **O’Connell/Pallas** to approve and passed unanimously.

COMMUNICATIONS: Letter dated July 22, 2003, from **Denise Dwyer** of Oakmont Drive, requesting City Council establish rules & regulations for use of the dog run at Carl Sandburg. Mayor Franzella said stated that the Parks and Recreation department is working with Mrs. Dwyer to solve this problem.

Letter dated July 25, 2003 from **Paul Roelofson** of Chestnut Avenue, stating that the **news racks** in front of Chili’s Restaurant have become an eyesore. Item referred to staff and requested this item be brought back sometime in September for a status report.

Letter dated July 28, 2003, from **John & Pat Nordquist** of 3rd Avenue, commending the **sewer line work** being done by Northwest Construction Company in the Belle Air area.

Letter dated July 21, 2003, from **Harry Costa**, CEO San Bruno Chamber of Commerce, regarding **vegetation at the crosswalk** between the Bike Route and Lullaby Lane. Item referred to the Downtown Ad Hoc Committee for action.

Letter dated August 1, 2003, from **Jan Aki** of Pepper Drive, expressing concerns regarding funding for the Arts Commission’s **Art in Public Places program**.

STAFF REPORTS:

Public Works Director Scott Munns recommended that the City Council; **approve** and introduce a resolution granting an **8’ foot underground easement** to SBC Pacific Bell Telephone Company on a City owned property (APN 019-171-010) east of 2701 Crestmoor Drive and authorize the City Manager to execute the Grant of Easement. Councilmember Ibarra said he has a financial interest with the property owner and will abstain on this item and existed the room. Merrill Buck, Deputy Director of Public Works gave the staff report. **Councilmember Ruane** introduced the resolution and roll call vote was taken with all Ayes. Ibarra abstain.

Finance Director Jim O’Leary recommended that the City Council review and adopt the Capital Improvement Program Budget for 2003-04 to 2007-08. The Capital Improvement Program covers a total of five years, with funds appropriated for 2003-04. Mr. O’Leary gave an overview and summary of the 2003-04 significant projects. M/S **Ibarra/Ruane** to approve and passed unanimously.

City Clerk Ed Simon presented an update on the **November 4, 2003, General Election**. The 10-calendar day public review period of all documents filed by candidates ends Monday August 18, 2003 at 5:00 p.m. Clerk Simon reported that as of the closing period there were no more nominees than offices available and that the Election Code allows for cancellation of the election and appointment of the nominees. A special notice must be published in the legal ad section of the paper and a meeting called before August 21, 2003 for the Council to take action. **Vice Mayor Pallas** requested the meeting be at City Hall and City Manager Hedley stated we could use the training room and televise the special meeting. M/S **Ibarra/Ruane** to order the City Clerk to publish the Certification and schedule a special meeting for 5:00 p.m. August 20, 2003 at 567 El Camino Real (City Hall training room) to consider canceling the election and appointing the nominees, passed unanimously.

Chief of Police Lee Violet recommends establishing performance standards for alcoholic beverage sales. Chief Violet said there is a public safety issue in San Bruno and requested the night shift manager **Lt. Noreen Hanlon** report the issues to the City Council. The police department is recommending that an ordinance similar to our nuisance ordinance be adopted to solve these problems.

Mayor Franzella requested that a draft ordinance be sent to all affected businesses so they may appear and give objections at the first reading September 9, 2003.

REPORT OF CITY ATTORNEY - RESOLUTIONS & ORDINANCES: None

PUBLIC COMMENT ON ITEMS NOT ON AGENDA: No one wished to speak

REPORT OF COMMISSIONS, BOARDS, & COMMITTEES: The Traffic Safety & Parking

Committee presents their **Annual Report** to the City Council. Report was given earlier on the agenda.

The **Community Preparedness Committee** presents their **Annual Report** to the City Council. Report was given earlier on the agenda.

City **Councilmember Ken Ibarra**, in representing the City in discussions with the Local Agency Formation Commission and the San Mateo County **Mosquito Abatement District**, recommends approval of a resolution consenting to San Bruno's annexation to the district with no property tax exchange and the District's funding approved by City voters.

Robert Riechel, 7th Avenue asked if the ballot would be a simple yes or no dollar amount measure?

What sort of Dollars relative to the original amount requested? Councilmember Ibarra said we would receive more information as a decision is made to go out for a vote. **Councilmember Ibarra** introduced the resolution for adoption, passed with all AYES.

Traffic Safety & Parking Committee makes recommendations of transportation projects needed in San Bruno for consideration as part of future Measure "A" funding. Deputy Public Works Director Merrill Buck presented the report and noted the only change requested by staff from the committee recommendations is to eliminate the "Sound Wall" request and add a "Shuttle Service". Councilmember O'Connell asked if opening the south end of San Mateo Avenue into El Camino Real for direct movement south was considered? Public Director Munns stated that during the downtown merchant meetings it was pointed out that it was not a high priority. M/S **Ruane/Ibarra** to approve as amended with addition of shuttle service and deletion of sound wall, passed unanimously.

Oral Updates: **Beautification Task Force** (O'Connell) next meeting is scheduled for September 4, 2003 at 5:15 at City Hall. Deadline is August 15, 2003 for Beautification Nominations.

NEW BUSINESS: **Study Sessions scheduling: Councilmember O'Connell** recommends scheduling date, time, and place to conduct a joint study session with the Parks & Recreation Commission to review the comprehensive **Parks & Recreational Facilities Master Plan**. Time and date set for October 15, 2003 at 6:00 p.m. at City Hall prior to the Parks & Recreation Commission meeting.

Vice Mayor Pallas requests an update on the **Lions Field Well** and all the other wells in the City.

Due to the lateness of the hour, Vice Mayor Pallas deferred item until the September 9, 2003 meeting.

Councilmember O'Connell requested item be deferred until September 23, 2003, meeting since she will not be here on the 9th of September and wants to participate in the discussion.

CLOSED SESSION: **Council adjourned to closed session at approx. 11:55 p. m.**

Mayor Franzella reconvened the regular meeting at 12:05 a.m.

City Attorney Pamela Thompson requests closed session to confer with City Council regarding street widening project. (Gov't Code Section 54956.9(b)(1). and regarding potential litigation with BART regarding barrier. (Gov't Code 54956.9 (c)). No action taken, direction given to the City Attorney.

ADJOURNMENT: **At 12:10 a.m. meeting adjourned to a Special meeting on August 20, 2003 at 5:00 p.m.** and the next regular meeting on September 9, 2003 at 7:00 p. m. Senior Center 1555 Crystal Springs Road. (The August 26, 2003 Council meeting has been canceled due to a lack of a quorum.)

The foregoing minutes were submitted for approval at a regular City Council meeting of September 9, 2003.

respectfully submitted,

Ed Simon, City Clerk

Larry Franzella, Mayor